

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

J&J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the
November 18, 2006 Morales/Pacquiao Event,

Plaintiff,

V.

(1) MEDELES PARTNERS, Individually and d/b/a EMI'S ICEHOUSE; and

(2) MARIA MEDELES, Individually and d/b/a EMI'S ICE HOUSE,

Defendants.

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Civil Action No. H-09-3745

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE

Plaintiff J&J Sports Productions, Inc. (“Plaintiff”) files *Plaintiff’s Motion for Substitute Service* and asks the Court to authorize substitute service, pursuant to FED. R. CIV. P. 4(e)(1) and TEX. R. CIV. P. 106 on Defendants 1) Medeles Partners, Individually and d/b/a Emi’s Ice House (“Defendant Medeles Partners”); and 2) Maria Medeles, Individually and d/b/a Emi’s Ice House (“Defendant Medeles”) (collectively “Defendants”).

1. Plaintiff has attempted to serve Defendants, by personal delivery, but has not been successful in serving the Defendants.

2. Attached hereto as Exhibits “A” and “B” are the affidavits of Alice Pelican, a private process server authorized to serve process, and is incorporated herein for all purposes as if set forth fully below. The affidavits are attached to establish facts not apparent from the record.

DEFENDANT MEDELES

3. Plaintiff asks the Court to authorize it to serve Defendant Medeles by delivering a true copy of the (1) *Summons*; (2) *Plaintiff's Original Complaint*; (3) *Plaintiff's Disclosure Statement and Certificate of Interested Persons*; and (4) *Order for Conference and Disclosure of Interested Parties* to anyone over sixteen years of age at 7620 Dennison, Houston, Texas 77020; or by securely attaching a true and correct copy of the (1) *Summons*; (2) *Plaintiff's Original Complaint*; (3) *Plaintiff's Disclosure Statement and Certificate of Interested Persons*; and (4) *Order for Conference and Disclosure of Interested Parties* to the door at 7620 Dennison, Houston, Texas 77020. Such service is reasonably effective to give Defendant Medina notice of this suit.

DEFENDANT MEDELES PARTNERS

4. Plaintiff asks the Court to authorize it to serve Defendant Medeles Partners, by and through the Texas Secretary of State pursuant to TEX. BUS. CORP. ACT. ART. 2.11(B), by delivering to and leaving with the Texas Secretary of State duplicate copies of the (1) *Summons*; (2) *Plaintiff's Original Complaint*; (3) *Plaintiff's Disclosure Statement and Certificate of Interested Persons*; and (4) *Order for Conference and Disclosure of Interested Parties*. Such service is reasonably effective to give Defendant Medeles Partners notice of this suit.

Respectfully submitted,

By: Andrew R. Korn

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ATTORNEYS FOR PLAINTIFF
J&J SPORTS PRODUCTIONS, INC.

EXHIBIT “A”

CAUSE/ASSESSMENT NO: H093745

J&J SPORTSP RODUCTIONS, INC.,
AS BROADCAST LICENSEE OF THE NOVEMBER 18, 2006 MORALES/PACQUIAO
EVENT

VS.

MEDELES PARTNERS, INDIVIDUALLY AND DBA EMI'S ICEHOUSE
AND MARIA MEDELES,
INDIVIDUALLY AND D/B/A EMI'S ICE HOUSE

BEFORE ME the undersigned authority, on this day personally appeared Alice Pelican who after being duly sworn, did upon oath state the following:

1. My name is **Alice Pelican** : I am a private process server authorized to deliver process in this cause pursuant to court order. I am over the age of eighteen (18) years and am fully competent to testify to the matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.
2. On the 12/10/09 I was assigned to deliver a copy of the SUMMONS IN A CIVIL ACTION; PLAINTIFF'S ORIGINAL COMPLAINT, CERTIFICATE OF INTERESTED PERSONS upon the defendant **Medeles, Maria Individually And D/B/A Emi's Ice House**
3. I have made several attempts to obtain personal service of process at the defendant's usual place of abode/business or by delivering by certified mail to the defendant's usual mailing address on the dates and times listed below:

DATES	TIMES	ADDRESS / RESULTS OF VISIT	Ref# H91200782
12/14/2009	17:28 PM	7620 DENNISON HOUSTON TX 77020 THE SUBJECT DOES RESIDE AT THIS ADDRESS BUT IS NOT HOME AT THIS TIME. LEFT DELIVERY NOTICE WITH SUBJECT'S SON. TWO VEHICLES PRESENT 26V-XX7 MARIA MEDELES 5/10, BC9-Z539 MARIA MEDELES 10/10.	
12/18/2009	10:17 AM	7620 DENNISON ST HOUSTON TX 77020 NO RESPONSE AT DOOR, LEFT DELIVERY NOTICE, NO VEHICLES IN DRIVEWAY.	
12/19/2009	20:00 PM	7620 DENNISON ST HOUSTON TX 77020 THE SUBJECT DOES RESIDE AT THIS ADDRESS BUT IS NOT HOME AT THIS TIME. LEFT DELIVERY NOTICE WITH SUBJECT'S SON.	
12/22/2009	8:17 AM	7620 DENNISON ST HOUSTON TX 77020 THE SUBJECT DOES RESIDE AT THIS ADDRESS BUT IS NOT HOME AT THIS TIME. LEFT DELIVERY NOTICE WITH SUBJECT'S SON.	
01/09/2010	17:10 PM	1620 DENNISON ST HOUSTON TX 77020 NO RESPONSE AT DOOR, LEFT DELIVERY NOTICE, TWO VEHICLES IN DRIVEWAY LICENSES # PJH-764 MAURICE A/ JULIE B HODGES 12/09, BC9-Z539 MARIA MEDELES 10/10. AS I LEFT, AN UNIDENTIFIED MALE CAME OUT AND SPOKE TO ME. HE STATED THAT THE SUBJECT LIVES HERE AND CALLED HER. AFTER SPEAKING WITH HER, HE THEN DENIED THAT HE HAS KNOWLEDGE OF THE SUBJECT.	

I believe the defendant will be given reasonably effective notice of this suit by delivering a true copy of the documents stated in item (2) above to anyone over sixteen years of age at 7620 DENNISON HOUSTON TX 77020 the above address or by attaching it securely to the front entry way at the above address, which is the party's usual place of abode or business, or by delivering First Class Mail pursuant to the provisions of Rule 106/536, Texas Rules of Civil Procedure.

DATE: 2-10-09 AFFIANT'S SIGNATURE Alice Pelican
SCH-2434

SUBSCRIBED TO AND SWORN to before me this 10 day of Feb 2010.
H91200782 Monica Krejci

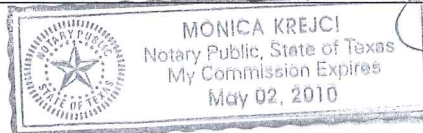


EXHIBIT “B”

AFFIDAVIT FOR SUBSTITUTED SERVICE UNDER RULE 106/536

CAUSE/ASSESSMENT NO: H093745

J&J SPORTSP RODUCTIONS, INC.,
AS BROADCAST LICENSEE OF THE NOVEMBER 18, 2006 MORALES/PACQUIAO
EVENT

VS.

MEDELES PARTNERS, INDIVIDUALLY AND DBA EMI'S ICEHOUSE
AND MARIA MEDELES,
INDIVIDUALLY AND D/B/A EMI'S ICE HOUSE

BEFORE ME the undersigned authority, on this day personally appeared Alice Pelican who after being duly sworn, did upon oath state the following:

1. My name is **Alice Pelican** : I am a private process server authorized to deliver process in this cause pursuant to court order. I am over the age of eighteen (18) years and am fully competent to testify to the matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.
2. On the 12/10/09 I was assigned to deliver a copy of the SUMMONS IN A CIVIL ACTION; PLAINTIFF'S ORIGINAL COMPLAINT, CERTIFICATE OF INTERESTED PERSONS upon the defendant **Medeles Partners**
By Delivery To Maria Medeles, Its Partner
3. I have made several attempts to obtain personal service of process at the defendant's usual place of abode/business or by delivering by certified mail to the defendant's usual mailing address on the dates and times listed below:

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12/19/2009	10:17 AM	7620 DENNISON HOUSTON TX 77020 NO RESPONSE AT DOOR, LEFT DELIVERY NOTICE, ONE VEHICLE IN DRIVEWAY LICENSE BC9-Z539 MARIA MEDELES 10/10	
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DATE: 2-10-09AFFIANT'S SIGNATURE
SCH-2434Alice Pelican
Alice Pelican

SUBSCRIBED TO AND SWORN to before me this 10 day of Feb 2010.
H91200781 Monica Krejci

